

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRANDON HOLMES,

Plaintiff

v.

J. ECK, et al.,

Defendants.

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CIVIL NO. 3:16-CV-644

(Judge Munley)

(Magistrate Judge Arbuckle)

ANSWER TO PLAINTIFF’S MOTION TO PROCEED WITH DISCOVERY

AND NOW COMES J. Eck, M. Russo, B. Mottern and C. Pizzoli by and through their Attorneys, Gregory T. Moro, Esquire and Hope R. Moro, Esquire and set forth this Answer to Plaintiff’s Motion to Proceed with Discovery as follows:

1. The Plaintiff’s request to proceed with discovery is untimely as Plaintiff’s Motion for an Amended Complaint is still pending before the Court. Also, the Plaintiff’s filing does not comply with Local Rule 7.5, as there is no brief attached. Furthermore, if considered, the Plaintiff’s Second Amended Complaint does not comply with the Court’s order of March 21, 2018 as the unnamed Defendants are not properly joined.
2. The Plaintiff’s request should be denied.

WHEREFORE, the Defendants respectfully request the Plaintiff's Motion to Proceed with Discovery be denied.

Respectfully submitted,

S/Gregory T. Moro, Esquire

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We, Gregory T. Moro, Esquire and Hope R. Moro, Esquire, do hereby
certify that on this 8th day of May, 2018, we served a true and correct copy of the
foregoing Answer to Plaintiff's Motion to Proceed with Discovery upon the
following party, by

United States mail, postage pre-paid to the following address:

Brandon Holmes-Register Number: 73170-004
USP Florence ADMAX
U.S. Penitentiary
PO BOX 8500
Florence, CO 81226

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